

**DISCOURSE ON WHO IS A KĀFIR
OBLIGING HIS TAKFĪR AND
WHOM NO TAKFĪR IS OBLIGING
AS HE IS A MU‘MIN NOT A KĀFIR**

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الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى مُحَمَّدٍ خَاتَمِ النَّبِيِّينَ وَالْمُرْسَلِينَ، وَسَلَّمْ تَسْلِيمًا وَنَسْأَلُ اللَّهَ تَعَالَى
أَنْ يُصَحِّبَنَا الْعِصْمَةَ مِنْ كُلِّ خَطَاٍ وَزَلَلٍ، وَيُؤَفِّقَنَا لِلصَّوَابِ فِي كُلِّ قَوْلٍ وَعَمَلٍ. آمِينَ آمِينَ.

Chapter One

Ibn Ḥazm said, “The people have differed about this matter:

One group went with the view that anyone who opposes them about the *ḥaqq* in anything related to creed (*i‘tiqād*) or anything from matters related to *fatwā*, then he is a *kāfir*.

Another group went with the view that such a person is a *kāfir* in some matters but merely a sinner (*fāsiq*) and not a *kāfir* in others, according to what their ‘*aql*, *ra‘ī*, and assumptions have led them to.

And a group went with that whoever opposes them in matters of *i‘tiqād* is a *kāfir*, and that whoever opposes them in issues of *aḥkāṃ* and ‘*ibādāt* is neither a *kāfir* nor a sinner. But, they are an excused *mujtahid*, who, even if mistaken, is rewarded for their intention.

And a group says the same as this regarding those who oppose them in the *ḥaqq* related to issues of ‘*ibādāt*. But they say regarding those who oppose them in issues of *i‘tiqād*, ‘If the opposition is about the attributes of Allāh then he is a *kāfir*. But if it is about something less than that, then they are merely a sinner (*fāsiq*).’

And a group went with the view that no Muslim is declared a *kāfir* or a sinner for any statement they make in matters of *i‘tiqād* or *fatwā*. And that everyone that makes *ijtihād* and submits to what they believe to be the truth

will be rewarded in all cases, and if they reach the truth, they get two rewards, and if they are wrong, they get one reward. This is the saying of Ibn Abī Laylā, Abū Ḥanīfah, al-Shāfi‘ī, Sufyān al-Thawrī, and Dāwūd ibn ‘Alī, may Allāh be pleased with all of them.

Those who make *taḳfīr* for opposition in *i‘tiqād* have used as evidence things we will mention by the will of Allāh.

They mention the narration attributed to the Prophet ﷺ, ‘The Qadariyyah and the Murji‘ah are the Magians of this Ummah.’¹

And they mention another narration attributed to the Prophet ﷺ, ‘This Ummah will divide into seventy sects, all of them are in the hell-fire, except one is in paradise.’²

¹ All its *ṭuruq* are in Musnad of Aḥmad: 5584, 9/415, Al-Sunnah of ibn Abī ‘Āṣim 339, 328, 329, Sunan Abī Dāwūd 4691 and Sunan of ibn Mājah 92. It is *Ḍa‘īf* because of ‘Umar ibn ‘Abdullah Mawla Ghufrah, he is weak. And Abū Ḥāzim who is Salamah ibn Dīnār did not hear from anyone of the companions except from Sahl ibn Sa‘d (Tuḥfah al-Taḥṣīl Fī Al-Marāsīl: 1/164). And Zakariyyā ibn Manzūr is weak. Then there is a *majhūl* man from the Anṣār and ‘Abd al-Wārith ibn Ghālīb is also *majhūl*. And Baqīyyah ibn al-Walīd is weak, no one whose saying matters has ever made Baqīyyah an independent *ḥujjah* and besides his *tadlīs* which does not harm him he has a lot of *awḥām* (Al-Abāṭil: 1/530) and a lot of *manākīr* (Su‘ālāt Abī Dāwūd: 303)

² As for the *ṭarīq* in Musnad Aḥmad 12208, 19/241, it is weak because of the weakness of Ziyād ibn ‘Abdullah al-Numayrī. As for the *ṭarīq* in Sunan of ibn Mājah 3993 and Al-Sunnah of ibn Abī ‘Āṣim 64 it is weak because of Hishām ibn ‘Ammār, he is weak as he accepted *talqīn*. As for the *ṭarīq* of ‘Ikrimah ibn ‘Ammār in Al-Sunnah of al-Marwazī: 53 and Sharḥ Uṣūl al-I‘tiqād 148 and others, it is weak because of Yazīd al-Raqqāshī. As for the *ṭarīq* of ‘Abd al-‘Azīz ibn Ṣuhayb in Musnad Abī Ya‘lā: 3938, it is weak because of Mubārak ibn Ṣuhaym. As for the *ṭarīq* of ‘Abdullah ibn Yazīd al-Dimashqī in al-Mu‘jam al-Kabīr: 7659, it is weak as Kathīr ibn Yazīd al-Falaṣṭīnī is weak. As for the *ṭarīq* of Zayd ibn Aslam in Musnad Abī Ya‘lā: 3668, it is weak because of Abū Ma‘shar, he is weak. As for the *ṭarīq* of Sulaymān ibn Ṭarīf in al-Sharī‘ah: 26, 1/311 it is weak, filled with *majāhīl*. As for the *ṭarīq* from Abū Al-Mughīrah and Ṣafwān in Musnad Aḥmad: 16937, 28/134, Sunan Abī Dāwūd 4597 and many others it is weak because of Azhar ibn ‘Abdullah al-Hawzanī, he is not a *thiqah* and Baqīyyah is weak as clarified before. As for the *ṭarīq* ibn Sunan of al-Tirmidhī: 2641, 4/381 it is weak because of the weakness of ‘Abd al-Raḥmān ibn Ziyād al-Ifriqī. As for the *ṭarīq* in Sunan ibn Mājah 3992, 5/128-129, it is weak because of ‘Abbād ibn Yūsuf al-Kindī, he is *majhūl ul-ḥāl*, there is no *tawthīq* of him, nor did Ibrāhīm ibn al-‘Alā’ make *tawthīq* of him, that is a mere claim attributed to him. As for the *ṭarīq* of Jubayr ibn Nufayr in Al-Mu‘jam al-Kabīr: 18/91, it is filled with *majāhīl*. As for the *ṭuruq* in Al-Sunnah of ibn Abī ‘Āṣim: 65, 66, 67, 68, 69, 70 and 71 they are all weak because of, Ismā‘īl ibn ‘Ayyāsh, he had severe

These two *Ḥadīths* are not authentic at all, anything that is like that is not a *ḥujjah* according to those that believe in *khabar al-wāhid*, then how about those that do not believe in them?

They also use as evidence the authentic *Ḥadīth* from the Prophet ﷺ, ‘Any man who says to his brother, ‘O *kāfir*,’ then one of them has drawn upon himself (a sin or consequence).’³

This is not a *ḥujjah* for them because the words imply that he sins by accusing with *kufṛ*⁴, the Prophet ﷺ did not say that he is with that a *kāfir*⁵.

And the majority who use this narration as evidence do not make *takfīr* of the one that says to a Muslim, ‘O *kāfir*!’ during an insult going on between them, with this they have opposed the narration they use as evidence.

The truth is that anyone whom the bond of Islām is established, he does not lose it except by a text, as for claims and fabrications then no. This obliges that no one is made *takfīr* of by a statement they uttered unless it opposes what is established with him as the words of Allāh or the words of the Messenger of Allāh ﷺ, then permit opposition to Allāh and His Messenger. Whether that is related to the bond of the religion, creed, or *fatwā*. And whether it is something established to be from the Prophet ﷺ by means of *ijmāʿ* transmission, *tawātur* or *āḥād*. The one that opposes the certain *ijmāʿ* that is decisive in its validity is the most evident in having his *ḥujjah* broken and the obligation of his *takfīr*, as everyone agrees on the knowledge of *ijmāʿ*⁶.

ghaflah, and Muḥammad ibn ‘Amr is not a *thiqah*, Wabhān is *majhūl*, Qaṭan ibn ‘Abdullah Abū Murri is *majhūl*, Abū Ghālib is *munkar ul-ḥadīth* and ‘Aqīl al-Jaʿdī is weak. And as for the *ṭarīq* in Al-Sunnah of al-Marwazī: 57, it is weak because of the weakness of Abū Bakr ibn ‘Ayyāsh. As for the *ṭarīq* in Al-Mustadrak: 444, 1/218, it is weak because of the weakness of Thābit ibn Muḥammad al-‘Ābid.

³ Ṣaḥīḥ al-Bukhārī 6104

⁴ This is because words of the Prophet ﷺ are only, ‘*Bā‘a bi-hā*,’ and these words imply nothing except a consequence, a sin, resulting from the saying, ‘O *kāfir*.’ In the language, it does not imply that the exact thing said returns to the doer; that is something impossible to understand from these words.

⁵ Some narrations with different wordings describe the doer of it as a *kāfir* but they are very weak.

⁶ This is because *ijmāʿ* has degrees, the *ijmāʿ* on *qirāḍ* is not the same as the *ijmāʿ* on the *shirk* for making partners with Allāh, one is known by everyone and is for that reason established against everyone even if no text is seen while the other is not known by everyone.

Some argued for the *takfīr* of the one that opposes (mere) *ijmā'* the saying of Allāh, 'And whoever opposes the Messenger after guidance has become clear to him and follows other than the way of the believers - We will give him what he has taken and drive him into Hell, and evil it is as a destination' [4:115].

There is in this verse nothing except a threat against the one that opposes the Messenger after guidance has become clear to him, and he has by that followed the path of other than the believers because the path of the believers is only following what is authentic from the Prophet ﷺ only, there is not in this verse text on the *takfīr* of the one that does that.

If someone says, 'If someone follows other than the path of the believers, then they are not from the believers.'

We say, and Allāh is the source of strength: Not everyone that follows other than the path of the believers is a *kāfir*, because *zinā*, consuming *khamr*, taking the property of people by false means is not the path of the believers. And we know that the one that follows that has not followed the path of the believers and he is not with that a *kāfir*. But the *burhān* for this is the saying of Allāh, 'But no, by your Lord, they will not believe until they make you judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in submission' [4:65]. This is the text that has no possible *ta'wīl*, and there has not come other texts that take it away from its apparent, nor is there *burhān* with a *takhṣīs* of it from some aspects of *īmān*.⁷

As for when the *ḥujjah* is not established on the opposer to the *truth*, whatever it may be, then he does not become a *kāfir*, except if there is a text with *takfīr*, which is then not transgressed. Like the one whom the mention of the Prophet ﷺ reaches while he resides in the farthest regions of Zanj, then abstains from searching his ﷺ message, then he is a *kāfir*.

As for after the *ḥujjah* is established from the Qur'ān and Sunnah, no one benefits with their opposition to them with a *ta'wīl* and does not come

⁷ The verse 4:65 as ibn Ḥazm said in: Al-Iḥkām Fī Uṣūl al-Aḥkām: 3/538-539 rules *kufṛ* on being wrong deliberately in anything related to the religion if the thing wrong is in the heart or tongue (permitting opposition with it), and that actions other than the tongue do not fall under what becomes *kufṛ* if done deliberately wrong (except for actions text describe with *kufṛ*). As for what is not deliberately done wrong then what is in the heart, tongue and actions is not *kufṛ*.

for it with Qur‘ān and Sunnah. And his claimed *ta‘wīl* does not save him from *kufr*.

If they say, ‘What if someone says: ‘I bear witness that Muḥammad is the Messenger of Allāh, except that I do not know whether he is a *Qurashī*, or a *Tamīmī*, or a *Fārisī*. And also not whether he was at Ḥijāz, Khurasān and also not whether he is alive or dead, and I do not know maybe it is this man I am thinking about.’

It is said to him: If he is a *jāhil*, without knowledge of anything related news and *sīrah*, that does not harm him at all and he is obliged to be taught. And if he knows and the truth is established with him, and is then stubborn then he is a *kāfir* and is ruled a *murtadd*.

We know many of those that engage in *fatwā* in the religion of Allāh and many of the righteous who do not know long it has been since the passing of the Prophet ﷺ, and also not where and which city he was at. What suffices him for all of that is acknowledgment in his heart and tongue that a man whose name is Muḥammad was sent by Allāh with this religion.

And likewise the one that says that his lord is a *jism*, if he is a *jāhil* or a *muta‘wwil*, then he is excused, there is nothing against him, he must be taught, and if the *hujjah* is established from the Qur‘ān and Sunnah, then opposes in it, then he is a *kāfir* with the ruling of a *murtadd*.

As for the one that says that Allāh is so-and-so, a specific human. Or that Allāh dwells inside a body from the bodies of his creation, such as the saying of al-Khaṭṭābiyyah and the companions of al-Ḥallāj and the other extremists. Or that there is a Prophet after Muḥammad ﷺ other than ‘Īsā ibn Maryam ﷺ. Then no two from the people of Islām differ in their *takfīr* because of the validity of the *hujjah* being established of all of these on everyone. If it would be possible for there to exist anyone that takes this as religion and opposition to it has never reached him, then *takfīr* would not be obligatory till the *hujjah* is established on him.

As for the one that makes *takfīr* of the people by what their sayings can imply, then it is a mistake because it is a lie against the opponent and putting words in his mouth what he has not said. If he is implied something, nothing occurs except a contradiction, and contradiction is not *kufr*, he has instead done good as he fled from *kufr*.

And also there is no saying except that the opposite of that saying implies its opponent *kufr* in the corruption in that saying.

The *Mu‘tazilah* imply against us that Allāh makes evil and that He resembles his creation. And we imply against them in the exact same manner and we also imply against them that Allāh is unable to (do as He wants) and they claim that they create like His creation and that He has partners in creation and that they not in need of Allāh.

And the one that affirms the attributes calls those that negate attributes ‘*nāfiyah*’ because they say, “You do not worship Allāh as Allāh has attributes and you worship that which has no attributes.”

And the one that negates the attributes says to the one that affirms them, ‘You make with Allāh things that are eternal and associate partners with him and worship other than Allāh because there is no one with Allāh and nothing with him in eternality and you worship something from the matters that are eternal.’

And in this manner for everything, even issues of *aḥkāṃ* and ‘*ibādāt*. The companions of *qiyās* claim we oppose *ijmā’*’ and our companions affirm that they are against *ijma’*’ and invent rulings not permitted by Allāh. All groups only reject what the other group names them and makes *takfīr* of the one that says that.

So it is established that no one is made *takfīr* of except by their exact saying and text of their belief. Except that no one benefits to express his beliefs by words he makes sound good of its ugliness and hides its misguidance, the ruled thing is what his words imply only.

As for the *aḥādīth* narrated which mention that abandoning the *ṣalāh* is *shirk*, then they are authentic⁸, however they are regarding the one who abandons them with denial (of the obligation). The certain evidence for that is the authentic narration, ‘Verily Allāh will take out from the fire he who says: ‘Lā Ilāha Illa Allāh,’ and did not do any good deed ever.’⁹ As for the one who does not pray but does acknowledge the obligation, then he has not abandoned the *ṣalāh*, he has only abandoned acting upon it. In the (Arabic) language and in the legislation, ‘abandoning the *ṣalāh*’ (*tark al-ṣalāh*) is only applicable to the one who abandons it from all of its aspects, by his acknowledgment and act; he is a *kāfir* without doubt in that, and Allāh is the source of strength.

⁸ They are not authentic, as I clarified elsewhere.

⁹ Ṣaḥīḥ Muslim 302, 183, 1/114

As for the narrations that state: ‘Whoever says ‘Lā ilāha illa-llāh’ will enter Paradise,’ there are other *ḥadīths* that include additions that are not allowed to be abandoned, which includes his ﷺ statement: ‘I have been commanded to fight the people until they say ‘Lā ilāha illa-Allāh’ and that I am the Messenger of Allāh, and they believe in me and in what I have been sent with.’¹⁰ This is that for which there is no *īmān* for someone without it.

Some who make *takfīr* of those who revile/curse the companions have cited as evidence the words of Allāh: ‘Muḥammad is the Messenger of Allāh, and those who are with him are severe against the disbelievers, merciful among themselves. You see them bowing and prostrating... that He may enrage the disbelievers through them’ (Al-Faṭḥ: 29).

They say, ‘So whoever is enraged by any of the companions of the Messenger of Allāh ﷺ is a disbeliever.’

The one who applies this verse in such a manner is mistaken, because Allāh did not ever say that anyone who is angered by one of them is a *kāfir*. He only told us that the disbelievers are enraged by them, and this is true, without a doubt, and no Muslim denies it. Every Muslim causes the disbelievers to be enraged.

And also, no person of sound reasoning doubts that ‘Alī angered Mu‘āwiyah, and that Mu‘āwiyah and ‘Amr ibn al-‘Āṣ angered ‘Alī. Likewise, ‘Ammār angered Abū al-Ghādiya, and all of them were companions of the Messenger of Allāh ﷺ. Each of them angered the other at some point. According to this, it becomes necessary from this to make *takfīr* those we have mentioned, Exalted is Allāh that such a claim be made.

And we say to those who make *takfīr* of a person based on his exact saying without establishing *ḥujjah* against him after which he is stubborn against the Messenger of Allāh ﷺ, and finds distress in his heart towards what the Prophet ﷺ brought: Tell us did the Prophet ﷺ leave anything from Islām by which the one who does not say and believe in it disbelieves, except that he clarified it and called all mankind and *jinn* to it? There is no other way than a yes, whoever denies this is a *kāfir* without disagreement from anyone.

If he acknowledges this, he is asked: Has there ever come from the Prophet ﷺ that he refused to accept the Islām of an entire village, a tribe, or an individual, whether a slave, a free person, or a woman, except till he affirms that ability (*istiṭā‘ah*) exists before action or alongside it, or that the

¹⁰ Ṣaḥīḥ Muslim 34, 21, 1/39

Qur'ān is created or uncreated, or that Allāh is seen or not seen, or that He has hearing, sight, life, and other matters of theologians' excesses that Shayṭān cast among them to create enmity and hatred?

If he claims that the Prophet ﷺ never invited anyone to Islām except till he makes them accept these meanings, then he has uttered a lie by unanimous agreement of the people of the earth. He has spoken knowing he is a liar, and he has claimed that all the Companions (may Allāh be pleased with them) collectively concealed this from the actions of the Prophet ﷺ which is an impossibility in nature. Then there is in it attributing *kufṛ* to them, as they concealed something Islām does not become valid except by that.

But if he acknowledges that the Prophet ﷺ never called anyone to affirm such matters, but that they are contained within the Qur'ān and in his ﷺ speech as part of the details of what he brought. It is said: You spoke the truth, and it is established with this that if ignorance of any of this would be *kufṛ*, then the Prophet ﷺ would not neglect clarifying that to the free and slaves. Whoever permits this has said that the Prophet ﷺ did not convey as he is ordered and this is mere *kufṛ* from the one permitting it.

So it is established by necessity that ignorance of any of that does not harm anything. Discourse is only obligatory when people begin indulging in them. Then it becomes obligatory to clarify the truth from the Qur'ān and Sunnah, because of Allāh's saying: 'Be steadfast in justice, witnesses for Allāh' (Al-Nisā': 135).

And His saying: 'You must make it clear to the people and not conceal it' (Āl 'Imrān: 187).

This is the ruling on the matter.

Whoever persists in opposition after the truth has been made clear is a disbeliever, because he has refused to take the Messenger of Allāh ﷺ as his judge.

And it is authentically narrated that the Prophet ﷺ said, 'A man who had excessively wronged himself, when death approached him, he said to his sons: 'When I die, burn me, then crush me, and scatter my ashes in the wind. By Allāh, if my Lord has power over me, He will punish me with a torment unlike any He has inflicted upon anyone.' So when he died, they did as he had instructed. Then Allāh ordered the earth: 'Gather what you hold of him.' It did so, and there he was—standing before Him. Allāh asked, 'What made

you do what you did?’ He replied, ‘O my Lord, it was Your fear.’¹¹ So Allāh forgave him.’¹²

This was a man who remained ignorant until his death that Allāh is capable of gathering his ashes and reviving him, (he believed there was a possibility that Allāh might not be able to resurrect him if his body was completely destroyed or that scattering his ashes could prevent resurrection) yet he was forgiven due to his acknowledgment, his fear, and his ignorance.

And some who distort words from their proper meanings said: ‘The meaning of ‘if Allāh has power over me’ is actually ‘if Allāh restricts me (restricts His mercy upon me), He will punish me like no other,’ as in His statement: ‘And as for when He tests him and restricts [*qadara*] his provision’ [Al-Fajr: 16].’

This is an invalid *ta’wīl* that cannot be justified, because it would then mean: ‘If Allāh restricts me, He will restrict me.’¹³

And also, if that were the case, his order to burn and scatter his ashes would have no meaning. There is no doubt that he only ordered this in an attempt to escape Allāh’s punishment.

The most evident thing in this statement is the statement of Allāh, when He said: ‘When the disciples said, ‘O Jesus, son of Mary, can your Lord send down to us a table spread with food from the heaven?’ He said, ‘Fear

¹¹ And the evidence that the man was a *mu’min* when he was told, “Why did you do that,” is that he said, “From my fear of you O Lord.” And fear is not except from a *mu’min* that believes, instead it is from the knowledgeable, Allāh said, “Only those fear Allāh, from among His servants, who have knowledge” [35:28].

¹² Ṣaḥīḥ al-Bukhārī 3481

¹³ This is all because if the words “if my Lord has power over me” were to mean *qadar*, restricting, or decree, it would be false. This is because the sentence would then mean, “If Allāh restricts me (His mercy upon me), He will punish me like no other.” Then restricting mercy is a type of punishment, and it would then mean, as Ibn Ḥazm said, “If Allāh restricts me, He will restrict me,” or “If Allāh punishes me, He will punish me.” This is a very clear falsehood. And if it were to mean, “If my Lord decrees punishment upon me,” it would also have no benefit, because the punishment or decree has already been established. And if the intended meaning was *qadar* or restriction, then what he did would not have prevented this in his belief. Based on this, his order to his family to burn him and scatter his ashes would have no meaning. And also, the man said, “Then by Allāh (*Fa-Wallāhī*), if my Lord has power over me, He will punish me.” It came with a *fā’* immediately after his statement, “If I die, then burn me and scatter my ashes,” which makes it evident that it is a result of the previous statement. And that he did this to avoid Allāh’s power over him, which is clear to anyone who reflects upon it.

Allāh, if you are indeed believers.’ They said, ‘We want to eat from it, so that our hearts are at rest and we know that you have indeed told us the truth and we are witnesses to it.’ (Al-Mā’idah: 112).

These disciples, whom Allāh praised, said in ignorance to ‘Īsā, ‘Can your Lord send down to us a table from the sky?’ And this did not invalidate their *īmān*. This is something that has no escape from it; they would have disbelieved if they had said that after the *ḥujjah* had been established for them and had been made aware of it.

And the certain decisive evidence is that the entire *ummah* is unanimous entirely without any disagreement, that anyone who intentionally alters a verse from the Qur’ān while knowing that it differs in the *Muṣḥafs*, or intentionally omits it entirely or adds a word to it deliberately, then he is a *kāfir*, by the unanimous agreement of the entire *ummah*.

Then a person may make a mistake in recitation, adding or omitting a word, or altering a word in ignorance, thinking that he is correct, and he might persist in this error and argue about it before the truth becomes clear to him. This does not make him a *kāfir*, nor a sinner, nor a *fāsiq* according to anyone in the *ummah*. But, when he is shown the correct recitation from the *Muṣḥafs*, and informed by one of the reciters who are a *ḥujjah* in their information, if he persists in his error, then by the consensus of the entire nation, he is a *kāfir*, without a doubt. This is the ruling in all of the religion.

Some argue by saying that Allāh, the Exalted, said: ‘Say: ‘Shall I inform you of the worst losers in their deeds? Those whose efforts are lost in this world, while they think that they are doing good work” (Al-Kahf: 103-104).

The end of this verse invalidates their claim because Allāh connected His statement, ‘They think they are doing good work,’ with His statement: ‘Those are the ones who have disbelieved in the signs of their Lord and in His meeting, and their deeds have become worthless, and We will not assign to them any weight on the Day of Judgment’ (Al-Kahf : 105). This clarifies that the first part of the verse is about the disbelievers who oppose the religion of Islām in general.

Then we say to them: If this verse was revealed about the *mut‘awwilīn* from among the people of Islām, as you claim, it would apply to every *mut‘awwil* that is wrong in their *ta‘wīl* in a *fatwā*. This implies *takfīr* of all the companions of the Prophet ﷺ because they disagreed among

themselves; and with certainty, we know that each one of them were sometimes right and sometimes wrong. Instead it implies *takfīr* of the entire *ummah*, as every person in each sect is sometimes right and sometimes correct. It instead implies *takfīr* of himself as no one ceases, that speaks about anything from the religion from turning away from a saying to another saying which is made clear to him that it is more correct except if he is a *muqallid*, this is worse because all of *taqlīd* is wrong, not correct. Whoever reaches this, his defects are evident.

‘Umar ibn al-Khaṭṭāb acknowledged in front of the Messenger of Allāh ﷺ that he did not understand the verse on *kalālah* (inheritance of a deceased person with no direct heirs). Yet, the Prophet ﷺ neither declared him a *kāfir* nor a sinner, nor did he inform him that he was blameworthy for it. He only rebuked him for repeatedly asking about it.

And in the same manner many of the Ṣaḥābah made errors during the lifetime of the Messenger of Allāh ﷺ, and he ﷺ corrected them, and he did not declare any of them *kuffār*, sinners, or blameworthy for it, because none of them opposed him ﷺ out of obstinacy. Among such cases was the ruling of Abū al-Sanābil ibn Ba‘kak regarding the longer of the two waiting periods, as well as those who ruled that an unmarried fornicator was to be stoned. We have elaborated on these matters in our book *al-Iḥkām fī Uṣūl al-Aḥkām*. But, when Dhū al-Khuwayṣira opposed the Prophet ﷺ out of obstinance, he thereby became a *kāfir*.

And also, the mentioned verse cannot be understood in accordance to the saying of anyone that opposes us except with a *ḥadhf*. And that is that they say: ‘The word ‘those (*alladhīna*)’ mentioned in the saying of Allāh, ‘Those whose efforts were lost in worldly life’ [18:103-105] is a *khābar* of an *ibtidā’* that is *muḍmar*, and that cannot be except with a *ḥadhf* of the *ibtidā’*, as if Allāh said: ‘They are those.’

It is not allowed for anyone to say, “There is in the Qur‘ān a *ḥadhf*.” Except with another clear text that obliges that or an *ijmā’* on that or a necessity that obliges that, so their saying becomes invalid without any evidence.

As for us, we say, the word ‘those’ mentioned remains as it is placed with no *ḥadhf*. And it is a description of the ‘greatest losers’ and the *khābar* of the *ibtidā’* becomes the saying of Allāh, ‘Those are the ones who

disbelieved in the signs of their Lord.’ And also His saying, ‘And they think they are upon something, but they are indeed the liars.’

So yes, this is the description of the people whom Allāh described in the first verse and he returned the noun to them and they are the *kuffār* by the text of the verse.

What clarifies this entirely is the saying of Allāh, ‘O you who have believed, do not raise your voices above the voice of the Prophet or be loud to him in speech like the loudness of some of you to others, lest your deeds become worthless while you perceive not’ [49:2].

So it is established that the raising of their voices above the Prophet ﷺ or being loud to him like the loudness of some to each other before this verse was revealed was not *kufīr*, nor was it a sin, nor *fīsq*. If anyone of them continued that after this verse was revealed and what was prohibited reached them, then their deeds would be invalidated, and the deeds of a *mu‘min* does not become invalid.

And also, when the order to change the *qiblah* was revealed, Ja‘far ibn Abī Tālib and a group of Muslims were in Abyssinia, while others were still in Makkah as weak and oppressed individuals. They continued praying toward Bayt al-Maqdis for a long period, ranging from a month to a year, two years, or even more without any doubt. Yet, they were not ruled *kuffār*, *fussāq*, or sinners for that. But if they had persisted in praying toward Bayt al-Maqdis after the news of the *qiblah* change had reached them, they would have undoubtedly been *kuffār*. This is sufficient for anyone who is sincere to himself.

They also say: ‘If you excuse the *mujtahids* when they err, then also excuse the Jews, Christians, Magians, and all other religions, because they too are *mujtahids* seeking the good.’

Our response, with Allāh’s guidance, is that we indeed say likewise, so long as the *ḥujjah* has not reached them. And we say, and are certain that every Jew, every Christian, every Magian, and every *kāfir* to whom the message of Muḥammad ibn ‘Abdillāh ﷺ has reached, has the *ḥujjah* established against him by his miracles. But they were stubborn in their reason, made *taqlīd* of their leaders, and let their assumptions take precedence and disbelieved by that. The certain decisive evidence for this is that you will not find all of them, from the first to the last, except to be merely following their forefathers and those who raised them, except for the few who accepted

Islām. So it is invalidated for them to be *mujtahids* who are unaware of the falsehood they are upon, for a *muqallid* of his father, there is no doubt that he is not a *mujtahid*.

And also, we do not excuse who we excuse with our *ra'ī*. And we do not make *takfīr* of those we make *takfīr* of with our assumption. This authority is not given by Allāh to anyone other than Him, nor does anyone make anyone enter Jannah or Jahannam. Instead Allāh enters whom He wills.

We do not name with *īmān* except the one whom Allāh has named them so, and we do not name with *kufīr* except whom Allāh named with that. All of that is upon the tongue of the Prophet ﷺ.

No two people on earth, whether Muslim or from any other religion, differ that the Messenger of Allāh ﷺ declared firmly *kufīr* upon all religions other than Islām, which declares itself free from all religions except the one he brought only. So we abide by that

And no two differ that the Prophet ﷺ affirmed with certainty the name of *īmān* on anyone that follows him and believes everything he came with and declares himself free from all religions other than that, so we abide by that and nothing more.

So for whom there is text taking them out from Islām after obtaining the name *īmān*, we take him out, whether it is something unanimous or not.

And likewise, if *ahl ul-islām* have *ijmā'* on taking out, then it is obligatory to follow the *ijmā'* in that if it is valid. As for whom there is no text on taking them out from Islām after obtaining Islām, nor is there *ijmā'* on taking him out, then it is not allowed to take him out from what is established for him with certainty.

Allāh has explicitly affirmed what we have stated, saying: 'And whoever seeks a religion other than Islām, it will never be accepted from him, and in the Hereafter, he will be among the losers' (Āl 'Imrān: 85).

And He said: 'They wish to separate Allāh from His messengers and say, 'We believe in some and reject others,' and they seek a middle path. Those are the true disbelievers' (Al-Nisā': 150-151)

And He said: "But no, by your Lord! They will not believe until they make you judge in their disputes, then find no discomfort in their hearts regarding your decision and submit fully" (Al-Nisā' 4:65)

All of these are *kuffār* by the text.

And *ijmā'* is established that anyone who denies anything that is authentic according to him and *hujjah* is established on him that the Prophet ﷺ brought it, then he has disbelieved.

And it is established that anyone who mocks Allāh, an angel, a prophet, a verse of the Qur'ān, or any obligation from the obligations of the religion, then all of them are *āyāt* of Allāh, after the *hujjah* is established, then he is a *kāfir*.

And the one that speaks of a Prophet after the Prophet ﷺ or denies anything that is established with him that the Prophet came with it, then he is a *kāfir*, because he did not make the Prophet ﷺ a judge in what he disputes between him and his opponent.

And the *mutakallimūn* have been excessive, so they said, 'What do you say about the one whom the Prophet ﷺ says, 'Stand and pray!' but he replies, 'I will not'? Or the Prophet ﷺ says to him, 'Hand me that sword so I may defend myself!' and he responds, 'I will not?'

If the ordered one does that, while not being pleased with the saying of the Prophet ﷺ, or his ruling, then he is a *kāfir*. And if he does that acknowledging that he is mistaken, unjust and is pleased, committed to obeying the order of the Prophet, then he is a *mu'min, fāsiq*. And if he does that believing that his order is merely recommended (*nadb*) and not obligatory (*fard*), then he is mistaken but rewarded and there is no power nor strength except with Allāh, the Most High, the Most Great.

The Prophet ﷺ ordered the best people on earth, the people of Ḥudaybiyyah, to shave their heads and slaughter (their sacrificial animals). They hesitated until he ordered them three times, and he ﷺ became angry because of this and complained to Umm Salamah, they did not become *kuffār* because of it. But it was either a sin that Allāh forgave through their repentance or they assumed that they could have that (as they wanted), in which case they were excused. No Muslim has ever said that they became *kuffār*, for they neither were stubborn nor denied him.

Sa'd ibn 'Ubādah said: 'By Allāh, O Messenger of Allāh, if I find a man with my wife, shall I wait until I bring four witnesses?' He ﷺ replied, 'Yes.' Sa'd said, 'By Allāh, he would have fulfilled his desire by then! By Allāh, I would strike them both with the sword!' He did not become with this a *kāfir* because he was not stubborn nor denied the ruling but acknowledged that he knew Allāh had ordered otherwise.

And, the Prophet ﷺ ordered Abū Bakr to continue leading the people in prayer, but he did not, assuming that Allāh had permitted him to refrain and that it was an act of recommendation. So he opposed that and was likewise (excused).

They also asked about someone who says: ‘I know that Ḥajj to Makkah is obligatory, but I do not know whether Makkah is in Ḥijāz, Khurāsān, or al-Andalus. And I know that swine is prohibited, but I do not know whether it refers to the horned one, the one used for plowing, or some other animal.’

Our answer is that the person that says this: If he is ignorant, he must be taught, and there is no blame upon him, for captives who embrace Islām do not know such matters until they are instructed.

But, if he knows, then he is merely mocking the *āyāt* of Allāh, making him an apostate.

And whoever slanders ‘Ā’ishah is a *kāfir* because he is rejecting the Qur’ān. But when Miṣṭah and Ḥamnah slandered her, they were not ruled *kuffār* at that time because they were at that time not denying Allāh’s revelation. Had they accused her after the verse was revealed, they would have become disbelievers.

As for the one who insults/curses any of the Ṣaḥābah if he is ignorant, he is excused. If he persists after the *ḥujjah* has been established against him but without being stubborn, he is a sinner, like one who commits fornication or theft. But if he is, if he is stubborn against Allāh and His Messenger ﷺ in this matter, then he is a *kāfir*.

‘Umar in the presence of the Prophet ﷺ, said about Ḥāṭib, who was a Muhājir and a participant in Badr: “Let me strike the neck of this hypocrite.” Yet, ‘Umar was not ruled a *kāfir* for declaring Ḥāṭib a *kāfir*, but he was mistaken, *muta‘awwil*.

And Usayd ibn al-Ḥuḍayr said to Sa’d ibn ‘Ubādah: “You are a *munāfiq* defending the *munāfiqīn*.” And Usayd did not disbelieve with this statement, even if he was mistaken, *muta‘awwil*¹⁴.

And the Messenger of Allāh ﷺ said: “The sign of hypocrisy is hatred for the Anṣār.”¹⁵

¹⁴ Sahih al-Bukhari 4750

¹⁵ Sahih al-bukhari 17, 3784

And he said to ‘Alī: “None but a hypocrite will hate you.”¹⁶

Whoever hates the Anṣār due to their support for the Prophet ﷺ is a *kāfir*, because he finds discomfort in what Allāh and His Messenger ﷺ have decreed regarding the manifestation of *īmān* through them. And also whoever shows hostility toward ‘Alī for this reason is also a *kāfir*. The same applies to anyone who shows hostility toward those who support Islām because of their help to Islām, not for other than that.

Some have made a difference between *ikhtilāf* in *fatwā* and *ikhtilāf* in *i‘tiqād* by arguing: ‘The Companions of the Messenger of Allāh ﷺ differed in their *fatwā* and did not make *takfīr* of each other.’

This is nothing. The denial of Qadar emerged during their time, yet most of the Ṣaḥābah did not declare those who denied it to be *kuffār*. They also disagreed in *fatwā*, leading to bloodshed among them, such as their dispute over whether to pledge allegiance to ‘Alī before dealing with the killers of ‘Uthmān

And Ibn ‘Abbās: “Whoever wishes, let him engage in mutual invocation (*mubāhalaḥ*) with me at the Black Stone that the One who has enumerated the sand grains piled did not prescribe a division of inheritance as half, half, and a third.”¹⁷

And there are here very strange and corrupt statements. Among them is what some groups from the Khawārij said: ‘Every sin that has a *ḥadd* is not *kufīr*, and every sin that does not have a *ḥadd* is *kufīr*.’

This is ruling with mere desire without any certain decisive evidence and a mere claim without evidence. Anything that is like this is false. Allāh the Exalted said: ‘Say, bring forth your decisive evidence, if you are truthful’ (Al-Baqarah: 111). So it is established that whoever has no certain decisive evidence for his statement is not truthful in it.

So it is established by what we have stated that anyone who is not upon Islām and had the matter of Islām conveyed to him is a *kāfir*.

As for someone from among the people of Islām who makes *ta‘wīl* and is wrong, if the *hujjah* has not been established against him and the truth has not been made clear to him, then he is excused and rewarded with one reward for seeking the truth and intending to follow it, and his error is forgiven since he did not deliberately commit it, because of the saying of

¹⁶ Sunan al tirmidhi 3736

¹⁷ Sunan Sa‘id ibn Mansur 36, 1/61

Allāh: ‘There is no blame upon you for what you err in, but (there is blame) for what your hearts deliberately intend’ (Al-Aḥzāb: 5).

If he is correct, he gets two rewards: one for attaining the truth and one for seeking it. And if the *ḥujjah* has been established against him, and the truth has been made clear to him, yet he obstinately rejects it, without being stubborn against Allāh the Exalted, His Messenger, or the believers, then he is a *fāsiq* (open sinner) due to his audacity in committing the prohibited. But if he obstinately rejects the truth while opposing Allāh the Exalted and His Messenger, he is a *kāfir*, an apostate.

There is no difference in these rulings between an error in *i‘tiqād* regarding any matter of the *Shar‘ah* and an error in *fatwā* concerning any matter, as we have explained before.

We will summarize this here, if Allāh wills, and clarify everything we have elaborated on. Allāh the Exalted said: ‘And We do not punish until We have sent a messenger’ (Al-Isrā’: 15).

He also said: ‘So that I may warn you with it and whomever it reaches’ (Al-An‘ām: 19).

And He said: ‘But no, by your Lord, they will not (truly) believe until they make you (O Prophet) the judge in whatever they dispute among themselves, and then find within themselves no discomfort with what you have decided and submit completely’ (An-Nisā’: 65).

These verses clarify all aspects of this chapter. So it is established that no one is declared a *kāfir* until the matter of the Prophet ﷺ reaches him. If it reaches him and he does not believe, then he is a *kāfir*. If he believes in the Prophet ﷺ, then he may hold whatever beliefs Allāh wills regarding a creed or a *fatwā* or perform whatever deeds Allāh wills, so long as no ruling contrary to what he believes, says, or does has reached him from the Prophet ﷺ. In such a case, there is no accountability upon him at all until it reaches him from the Prophet ﷺ.

If it reaches him and becomes clear to him, yet he opposes it with *ijtihād* without having clarity on the truth, then he is mistaken but excused and rewarded once, as the Prophet ﷺ said: ‘If the judge exerts effort and errs, he has one reward.’ Every person who holds a belief, makes a statement, or performs an action is a judge (*ḥākim*) over that matter.

If he opposes (the truth) in his actions while stubbornly rejecting the truth, believing something contrary to what he does, then he is a *fāsiq* (sinful

believer). But if he opposes (the truth) in speech or belief while stubborn, then he is a *kāfir mushrik* (disbeliever and polytheist), whether this pertains to I‘tiqād or fatwā, according to the texts we have cited. This is also the view of Ishāq ibn Rāhwayh and others, and we adhere to it. And in Allāh, the Exalted, lies all success.”¹⁸

¹⁸ Al-Faṣl 4/92-108

Chapter Two

I will here further mention dozens of authentic *aḥādīth* that clarify and make evident the existence of excuses in all aspects of the religion.

Allāh said:

وَمَا كَانَ اللَّهُ لِيُضِلَّ قَوْمًا بَعْدَ إِذْ هَدَاهُمْ حَتَّى يُبَيِّنَ لَهُمْ مَا يَتَّقُونَ

“And Allāh will never lead a people astray after He has guided them until He makes clear to them as to what they should avoid.”

[Al-Tawbah: 115]

Section One: Ruling With Other Than What Allāh Revealed

As for disobeying an order, whether that is by not implementing a ruling, changing rulings, or desires and whether that is in many or a few cases, all of that is only a sin because of not obeying the ruling in that matter, and not *kufr*. It only becomes *kufr* if after *ḥujjah* established the person is opposes the truth with his heart or tongue permitting opposition. As for opposition to the truth by mere actions alone, it is never *kufr* except if a text names that act *kufr* by its exact wording.

Ibn Ḥazm said, “Every person who holds a belief, makes a statement, or performs an action is a judge (*ḥākim*) over that matter.”¹⁹

So whoever specifies specific people as a *ḥākim* and specifies a few false rulings speak without certain decisive evidence.

Miswar ibn Makhramah and Marwān ibn al-Ḥakam narrated, “The Messenger of Allāh ﷺ went out in the Year of Ḥudaybiyyah... (Then, they mentioned the *ḥadīth*, which is lengthy. When the story of the treaty was finished, they mentioned Messenger of Allāh ﷺ saying to his companions), ‘Stand up, slaughter (your sacrifices), and then shave (your heads).’ But, by Allāh, not a single man among them stood up, even though he repeated it three times. When no one got up, he entered upon Umm Salamah and told her about what he was facing from the people. So Umm Salamah said, ‘O Messenger of Allāh, do you want them to comply? Then go out and do not speak to any of them until you slaughter your sacrifice and shave your head.’ So he went out, slaughtered a camel, and called for his barber. When the

¹⁹ Al-Faṣl 4/108

people saw this, they stood up, slaughtered their sacrifices, and began shaving one another, until some nearly killed each other out of grief.”²⁰

So the companions, may Allāh be pleased with them abstained from obeying the order of the Prophet ﷺ, in front of the Prophet ﷺ and did thereby not apostate, this was only a sin of them, for which they are forgiven, because of not carrying out the order. And as they without any doubt believe in the Messenger of Allāh ﷺ, are pleased but merely disobeyed in their action.

And Ibn ‘Umar narrated, “‘Umar said: ‘O people, accuse your opinions in the matter of religion, for I have seen myself clearly rejecting the order of the Messenger of Allāh ﷺ with my own *ra’ī*, striving with all my effort, and by Allāh, I was not able to, and that was on the day of Abū Jandal, while the document was being written. He ﷺ said, ‘Write: In the name of Allāh, the Most Merciful, the Most Compassionate,’ and they (the Quraysh) said, ‘Write: In the Name Of Allāh,’ and the Messenger of Allāh ﷺ agreed, but I refused. He said, ‘O ‘Umar, you see me satisfied and yet you refuse!’”²¹

As you can see ‘Umar reversed the order of the Prophet ﷺ, in front of the Prophet ﷺ and did not apostate for reversing his order, it is possible that he opposed the order of the Prophet ﷺ either by a *ta’wīl* for a good intention, seeing it as *nadb*, or with sin by abstaining from the order for which he is forgiven. As he believes he ﷺ speaks nothing but the truth and he did not refuse an order with dislike or discomfort in his heart.

And Abū Wā’il narrated, “Sahl ibn Ḥunayf said: O people, accuse your opinions when it comes to your religion. I have seen myself on the day of Abū Jandal, and if I were able to reject the order of the Messenger of Allāh ﷺ (meaning the order handing over Abū Jandal to the *mushrikīn*), I would have rejected it.”²²

The same applies for Sahl ibn Ḥunayf, he did not disbelieve for this, only opposed the order for the same possible reasons not because of dislike or discomfort in his heart.

And Abū Hurayrah narrated, “Allāh’s Messenger ﷺ prohibited *wiṣāl* (fasting longer than a day). Some men from the Muslims said: ‘But you practice *wiṣāl*, O Messenger of Allāh!’ The Messenger of Allāh ﷺ replied:

²⁰ Sunan al-Kubrā of al-Nasā’ī 3752, 2/359 | 8581, 8582, 5/170-171 | Ṣaḥīḥ of al-Bukhārī chapter 70, 1/353 | 1694, 1695, 1811, 2731, 2732 5/329-333

²¹ Al-Mu‘jam Al-Kabīr 82, 1/26-27 | Al-Musnad by Al-Bazzar 148, 1/253-254

²² Ṣaḥīḥ al-Bukhārī 7308 | Ṣaḥīḥ Muslim 1785

‘Who among you is like me? I spend the night while my Lord feeds me and gives me drink.’ When they refused to stop practicing *wiṣāl*, the Prophet ﷺ fasted with them for one day, then another day, and then they saw the crescent moon. He ﷺ then said: ‘Had the crescent not appeared, I would have extended (the fast) for you.’ As if he wanted to punish them when they refused to abandon *wiṣāl*.²³

So the companions disobeyed the order of the Prophet ﷺ in front of the Prophet ﷺ and the Prophet ﷺ rebuked them, they did not disbelieve as they only opposed by action, they were ignorant and are forgiven, had good intentions, made a wrong *ta’wīl*. If the companions who witnessed the Prophet ﷺ are excused to such an extend then how about those who have not witnessed the Prophet ﷺ?

Ibn Ḥazm said about this *ḥadīth*, “This clarifies that no one is a *ḥujjah* except the Messenger of Allāh ﷺ, not his companions nor anyone else. For indeed, some of the Companions practiced *Wiṣāl* (continuous fasting) during the Prophet’s lifetime ﷺ making *ta’wīlāt* that are far-fetched. So what about those who came after them? And even more so, what about those below their rank?”

And ‘Ā’ishah narrated, “The people of Quraysh were deeply concerned about the case of the Makhzūmī woman who had committed theft. They said, ‘Who will speak to the Messenger of Allāh ﷺ on her behalf?’ Some of them said, ‘No one dares to do so except Usāmah ibn Zayd, the beloved of the Messenger of Allāh.’ So Usāmah spoke to the Messenger of Allāh ﷺ about her, whereupon he said: ‘Are you interceding in a *ḥadd* from the *ḥudūd* of Allāh?’ Then he ﷺ stood up and delivered a sermon, saying: ‘What destroyed the nations before you was that when a noble among them stole, they let him go, but when a weak person stole, they enforced the *ḥadd* on him. By Allāh, if Fāṭimah, the daughter of Muḥammad, were to steal, I would cut off her hand.’²⁴

So as you can see the companions together with Usāmah, may Allāh be pleased with them, replaced a *ḥadd* of Allāh for a *ṣulḥ* and he ﷺ did not rule him a *kāfir*, they did not disobey with denial, nor with discomfort from the ruling of the Prophet ﷺ. But for the same reasons as mentioned before.

²³ Ṣaḥīḥ al-Bukhārī 6851 | Ṣaḥīḥ Muslim 1103, 57

²⁴ Ṣaḥīḥ al-Bukhārī 3475

And Anas narrated, “Umm Hārithah, the sister of al-Rubayyi‘ (who was the paternal aunt of Anas), injured a person and caused his tooth to be broken. The matter was brought before the Messenger of Allāh ﷺ, and he said, ‘*Qīṣāṣ, Qīṣāṣ.*’ Umm al-Rubayyi‘ said, ‘O Messenger of Allāh! Will retribution be taken from so-and-so? By Allāh, it will not be taken from her (i.e., Umm Hārithah)!’ The Prophet ﷺ replied, ‘Exalted is Allāh, O Umm al-Rubayyi‘! *Qīṣāṣ* is the decree of Allāh’s Book.’ She insisted, ‘No, by Allāh! Retribution will never be taken from her.’ She continued to say this until the injured party accepted the blood money instead. Thereupon, the Messenger of Allāh ﷺ said, ‘Indeed, among the servants of Allāh are those who, if they swear an oath by Allāh, He fulfils it.’”²⁵

So as you can see they sought to not only abandon *Qīṣāṣ* but also replace it for a *ṣulḥ*. It is not affirmed for them that they had discomfort with the ruling nor did they belie the Prophet ﷺ, for that reason they were only sinful for disobeying the Prophet ﷺ, or did it with *ta‘wīl*.

And Jābir ibn ‘Abdullāh narrated: “We were with Allāh’s Messenger ﷺ on an expedition when a man from the Muhājirīn struck a man from the Anṣār on his back. The Anṣārī said, ‘O Anṣār’ and the Muhājir said, ‘O Muhājirīn!’ Upon hearing this, Allāh’s Messenger ﷺ said, ‘What is this call of Jāhiliyyah?’ They replied, ‘O Messenger of Allāh, a man from the Muhājirīn struck a man from the Anṣār.’ The Prophet ﷺ said, ‘Leave it, for it is repulsive.’ ‘Abdullāh ibn Ubayy heard this and said, ‘They have done it indeed! By Allāh, when we return to Madīnah, the honorable will surely expel the lowly.’ Upon this, ‘Umar said, ‘O Messenger of Allāh, permit me to strike the neck of this hypocrite!’ Then the Prophet ﷺ said, ‘Leave him, lest the people say that Muḥammad kills his companions.’”²⁶

So one disobeyed the order of the Prophet ﷺ and ‘Umar assumed it was *kufīr*. But the Prophet ﷺ clarified that the companion did not fall into *kufīr* but disobeyed the order for which he is forgiven or assumed it is *nadb*. Nor did ‘Umar disbelieve for demanding a *shar‘*, for it is from the same types as mentioned before.

And Sa‘d ibn ‘Ubaydah narrated: “Abū ‘Abd al-Raḥmān, who was among the supporters of ‘Uthmān, said to Abū Ṭalḥah, who was among the supporters of ‘Alī: ‘I know exactly what emboldened your leader (i.e., ‘Alī)

²⁵ Ṣaḥīḥ Muslim 1675

²⁶ Ṣaḥīḥ Muslim 2584

to shed blood. I heard him say: ‘The Prophet ﷺ once sent me and al-Zubayr, saying, ‘Go to such-and-such a garden, where you will find a woman to whom Ḥāṭib has given a letter.’ So we went to that garden and asked the woman to hand over the letter to us. She said, ‘Ḥāṭib has not given me any letter.’ We said to her, ‘Either you produce the letter, or we will strip you of your clothing.’ So she took it out from her waistband. The Prophet ﷺ then summoned Ḥāṭib, who came and said, ‘Do not hasten to judge me. By Allāh, I have not disbelieved, nor has my love for Islām diminished. (The reason for writing this letter was that) there is no one among your companions except that he has relatives in Makkah who protect his family and wealth. However, I have no one there, so I wanted to do them a favor so that they might protect my family and property.’ The Prophet ﷺ believed him. ‘Umar said, ‘Let me strike off his head, of this *munāfiq*! The Prophet ﷺ said, ‘How do you know? Perhaps Allāh has looked upon the people of Badr and said, ‘Do whatever you wish, for I have forgiven you.’ ‘Abd al-Raḥmān added: “This is what emboldened him (i.e., ‘Alī).”²⁷

Ibn Ḥazm said about this *Ḥadīth*, “And in the statement of ‘Umar that we mentioned, there is the imposition of a *shar‘* in executing the beheading of a Muslim man and a claim of knowledge of the unseen in declaring that he is a *munāfiq*, and there are many such examples.”²⁸

And Wā’il al-Ḥaḍramī narrated, “Salama ibn Yazīd al-Ju‘fī asked the Messenger of Allāh ﷺ, ‘Prophet of Allāh, what do you think if rulers are appointed over us who demand their rights from us but withhold our rights from us? What do you command us to do?’ The Messenger of Allāh turned away from him. He asked again, but the Prophet ﷺ again turned away. When he asked for the second or third time, al-Ash‘ath ibn Qays pulled him aside and said: ‘Listen and obey, for they are responsible for what they have been burdened with, and you are responsible for what you have been burdened with.’”²⁹

So the rulers who prevent or abstain from establishing the rights are not *kuffār* as no *kāfir* has a way over the believers, Allāh said, Allāh said, “And never will Allāh grant to the disbelievers a way (to triumph) over the believers” [4:141]. The abrogation of obedience to the oppressive rulers does

²⁷ Ṣaḥīḥ al-Bukhārī 3081

²⁸ Al-Iḥkām Fī Uṣūl al-Aḥkām 2/74

²⁹ Ṣaḥīḥ Muslim 1846, 49: 6/19

not negate that this indicates that merely not carrying out judgments, rulings, fulfilling rights is not *kufṛ* but disobedience for leaving what is obligatory.

And Ḥudhayfah ibn al-Yamān narrated: I said: “O Messenger of Allāh, indeed we were in evil, then Allāh brought us good, and we are now in it. Will there be evil after this good?” He said: “Yes.” I said: “Will there be good after that evil?” He said: “Yes.” I said: “Will there be evil after that good?” He said: “Yes.” I said: “How?” He replied: “There will be leaders after me who will not be guided by my guidance and will not follow my way. Among them will be men with the hearts of devils in human bodies.” I said: “O Messenger of Allāh, what should I do if I reach that time?” He said: “Listen and obey the leader, even if your back is beaten and your wealth is taken, listen and obey.”³⁰

It has been said that the ‘oppression’ of the rulers mentioned in his specific *ḥadīth* is only about matters related to real rights and that a person must be obey them in those real rights not falsehood. This is false because the Prophet ﷺ described them as devils. And it has been claimed that this *ḥadīth* is weak because of the mere assumption that Mamṭūr did not hear from Ḥudhaifah. They say, “Mamṭūr, who died 101 AH, and did not hear from Thawbān who died 51 in AH, because he did not hear from him specifically, it should be because of that be more likely that he did not hear from Ḥudhaifah who died 36 AH.” This is not correct because there are additional indications that Mamṭūr was in the presence with those who died even before 36 AH, necessitating that he heard from him such as Ka‘b who died 34 AH and ‘Ubādah ibn al-Ṣāmit 32 AH³¹. So what remains is that oppressive rulers are not *kuffār* and the tasks of rulers without doubt are nothing other than fulfilling the rights of people, carrying out judgments, not anything other than that. So they are not *kuffār* for that.

And Sa‘d ibn ‘Ubādah said: “By Allāh, O Messenger of Allāh, if I find a man with my wife, shall I wait until I bring four witnesses?” He ﷺ replied, “Yes.” Sa‘d said, “By Allāh, he would have fulfilled his desire by then! By Allāh, I would strike them both with the sword!”³² (Meaning he would act before bringing witnesses).

³⁰ Ṣaḥīḥ Muslim 1847

³¹ Al-Mustadrak: 3/400, 5520 | Tārīkh of Abū Zur‘ah page: 374

³² Ṣaḥīḥ Muslim 16, 1498, 4/120

Yet, he was not ruled a *kāfir*, as he neither opposed nor denied the ruling but acknowledged that he knew Allāh had ordered otherwise.

And the Prophet ﷺ ordered Abū Bakr to continue leading the people in prayer, but he did not do so, as he assumed that Allāh, the Exalted, had permitted him in this matter and that it was a recommendation. So he acted contrary to it³³.

And also, the rulings related to *rishwah* (bribery) which is what a person gives in order to be judged in their favour, the majority of the *Salaf* have permitted this in cases of necessities which is the truth. Such as Jābir ibn Zayd, ibn Mas'ūd, 'Amr ibn Dīnār, al-Ḥasan, and others³⁴.

Ibn Ḥazm said, "It has been established that there is a type of *nifāq* whose doer is not a *kāfir*, and a type of *nifāq* whose doer is a *kāfir*. So it is possible that those who wanted judgment (*taḥākum*) from the *ṭāghūt*, not the Prophet ﷺ, were outwardly displaying obedience to the Messenger of Allah ﷺ while being sinful by their request to refer judgment to someone other than him, without believing in the validity of that ruling, but out of a desire to follow their whims. Because of this, they did not become *kuffār*, but merely sinners. We observe this directly in our time. For indeed, we call during *taḥākum* to the Qur'ān and the Sunnah of the Messenger of Allah ﷺ established from him with their own acknowledgment, yet they refuse that and instead accept the *ra'ī* of Abū Ḥanīfah, Mālik, and al-Shāfi'ī. This is something no one denies. Yet, they are not *kuffār* because of this. It is possible that those [mentioned in the verse] were in a similar state, until Allah made clear that they do not truly believe unless they make the Messenger of Allah ﷺ the judge in their disputes. So, it is obligatory that whoever learns of this, whether in the past, present, or until the Day of Judgment, then refuses and is stubborn, then he is a *kāfir*. And there is not in the verses (Sūrah Al-Nisā': 60-65) that those individuals were stubborn after its revelation."³⁵

³³ Ṣaḥīḥ al-Bukhārī 683

³⁴ Al-Muṣannaf ibn Abī Shaybah 21990-21995, 4/447

³⁵ Al-Muḥallā 19/42

Section Two: Excuses For Extreme Ignorance

As for matters in which there are excuses for those that belie the Prophet ﷺ, but are excused for their extreme ignorance such as bedouins.

‘Ā’isha narrated, “The Messenger of Allāh ﷺ sent Abu Jahm Ibn Ḥudhayfah to collect *zakāh*. A man argued with him over his *zakāh*, and Abū Jahm struck him, splitting the skin of his head. They came to the Prophet ﷺ and said, ‘Retribution, O Messenger of Allāh.’ The Prophet ﷺ said, ‘You will have such and such (in compensation).’ But they were not satisfied (and insisted on retribution). The Prophet ﷺ said (again), ‘You will have such and such,’ but they were not satisfied. The Prophet ﷺ said (again), ‘You will have such and such,’ then they were satisfied. Then Prophet ﷺ said, ‘I will address the people this evening and inform them of your satisfaction.’ They replied, ‘Yes.’ That evening, the Messenger of Allāh ﷺ addressed the people, saying, ‘These people from the tribe of Layth came to me seeking retribution. I offered them such and such in compensation, and they accepted. Are you pleased?’ They replied, ‘No.’ At that moment, the *Muhājirūn* wanted to attack them, then the Messenger of Allāh ﷺ ordered them to refrain, so they refrained. The Prophet ﷺ then called the complainants again and increased the amount. He asked, ‘Are you satisfied?’ They replied, ‘Yes.’ The Prophet ﷺ said, ‘I will announce it on the pulpit and inform the people of your satisfaction.’ They agreed.”³⁶

Ibn Ḥazm said, “There is in this (authentic) narration ‘*udhr* for the *jāhil*, and that they do not exit from Islām for something that, if done by a knowing person upon whom the *hujjah* was established would make him a *kāfir*. This is because these people from the Layth tribe denied the Prophet

³⁶ Musnad Aḥmad 25958: 43/110-111 | Sunan ibn Mājah 2638 | Musnad Ishāq ibn Rāhūyah 848

ﷺ and denying him is absolute *kufṛ* without difference. But due to their ignorance and their being bedouins, they were excused for their ignorance, so they did not disbelieve.”³⁷

Abū Mūsā narrated, “I was with the Prophet ﷺ while he was encamped at al-Ji‘irānah, between Makkah and Madīnah, and Bilāl was with him. A Bedouin came to the Prophet ﷺ and said: ‘Will you not fulfill what you promised me?’ The Prophet ﷺ said: ‘Rejoice.’ The Bedouin replied, ‘You have said ‘rejoice’ to me too many times.’ At that, the Prophet ﷺ turned toward Abū Mūsā and Bilāl, appearing upset, and said: ‘He has rejected the glad tidings, so you two accept them instead.’ They both said: ‘We accept them.’”³⁸

The ignorance of this bedouin is from the same type as the other Laythī bedouins.

As for those that are not of this extreme category of ignorance or below, they are not excused such as Dhū al-Khuwayṣirah.

³⁷ Al-Muḥallā 17/482-483

³⁸ Ṣaḥīḥ al-Bukhārī 4328, 5/157

Section Three: *Kufr*

As for *kufr* in *ulūhiyyah* and *rubūbiyyah* there is no excuse for ignorance in this for a *mukallaf* except for the one whom the message never reached.

It is certain that the Prophet ﷺ ruled everyone with *kufr* if they fall under that meaning as mentioned before, and the Prophet ﷺ said in an authentic narration, “I have been commanded to fight the people until they say ‘Lā ilāha illa-Allāh’ and that I am the Messenger of Allāh, and they believe in me and in what I have been sent with.”³⁹

And the Prophet ﷺ said, “By the One in whose hand is the soul of Muḥammad! No one from this Ummah⁴⁰, whether a Jew or a Christian, hears of me, then dies without believing in what I was sent with, except that he will be among the people of the Fire.”⁴¹

Because of the certain decisive *ijmā‘* which no one differs with, knowing that this is the religion the Prophet ﷺ came with, the one denying the *kufr* of all other religions is a *kāfir*.

Ibn Ḥazm said, “They are the Jews and the Christians, and they are *kuffār* without any disagreement among the ummah. Whoever denies their *kufr*, then there is no disagreement among the Muslims that he is a *kāfir* who has departed from Islām.”⁴²

Ibn Ḥazm said, “Is not a person’s verbal acknowledgment of the trinity without following it with rejection, *kufr* of the speaker? If he says, ‘No,’ then he has disbelieved.”⁴³

Ibn Ḥazm said, “If they say: ‘Indeed, the proof of Allah has not been established against a *kāfir*, since the truth has never been made clear to a *kāfir* at all.’ They have disbelieved without any disagreement among the people of

³⁹ Ṣaḥīḥ Muslim 34, 21, 1/39

⁴⁰ *Ummah* means here *ummat ul-da‘wah* meaning all *jinn* and mankind on earth

⁴¹ Ṣaḥīḥ Muslim 240, 153, 1/93

⁴² Al-Faṣl 4/21

⁴³ Al-Iḥkām Fī Uṣūl al-Aḥkām 1/103

Islām, and they affirmed an excuse for the *kuffār*, denied the Qur’ān, and opposed *ijmā’*.⁴⁴

Ibn Ḥazm said, “Tawḥīd is known with the ‘*aql*’ by, but acknowledging it is not obligatory (by that), nor is the threat of punishment, by death in this world or the Fire in the Hereafter, established by the ‘*aql*’. All of this became obligatory through the warnings of the messengers only. So the mentioned verse made the belief in Tawḥīd obligatory and obliged its acknowledgment. And, this was never an obligation by the ‘*aql*’. Because the ‘*aql*’ does not legislate nor informs about whom Allah, Most High, will punish in the Hereafter or whom He will reward. The ‘*aql*’ only distinguishes between what is impossible, necessary, and possible. And it differentiates between existing things, between the truth that is rationally existent and the falsehood that is rationally non-existent. This is what is in the ‘*aql*’ and nothing more.”⁴⁵

Ibn Ḥazm said, “And those children who have reached fourteen years of age but have no hair nor had a wet dream are not, by the *ijmā’* of most of the Ummah, obligated to have *īmān* as an absolute order, nor are they prohibited from *kufr* as a prohibition. Then, once they experience a wet dream, *īmān* becomes an obligation upon them, and *kufr* becomes absolutely forbidden.”⁴⁶

Then there are matters which texts have ruled as *kufr* or *shirk* that are of the same rank as this they are also not excused such as the one claiming prophethood and the one claiming Allāh is one specific human as mentioned before, except if someone never heard the opposite in which case there is doubt of the *ḥujjah* being established on them, otherwise not.

As for what is below this which some texts have ruled *kufr* and *shirk* from actions, then the one falling into them is only a *kāfir* after *iqāmah* of the *ḥujjah* as there is no certainty of everyone having knowledge of this.

As for excuses for those that have never heard about Islām:

Aḥmad ibn Ḥanbal narrated: —» ‘Alī ibn al-Madīnī —» Mu‘ādh ibn Hishām —» his father —» Qatādah —» al-Ḥasan al-Baṣrī —» Abū Rāfi‘ —» Abū Hurayrah, “The Prophet ﷺ said, ‘On the Day of Judgment, four types of people will be presented: a deaf man who could not hear anything, a foolish man, an elderly man, and a man who died during *al-fatrah*. The deaf man will

⁴⁴ Al-Faṣl 4/29

⁴⁵ Al-Iḥkām Fī Uṣūl al-Aḥkām 3/286

⁴⁶ Al-Iḥkām Fī Uṣūl al-Aḥkām 1/120-121

say, ‘My Lord, Islām came, but I did not hear anything.’ The foolish man will say, ‘My Lord, Islām came while children were throwing dung at me.’ The elderly man will say, ‘My Lord, Islām came, but I could not comprehend anything.’ And the one who died during *al-fatrah* will say, ‘My Lord, no messenger from You reached me.’ Then, Allāh will take their pledges that they will obey Him, and He will send a messenger to them, commanding them to enter the Fire. By the One in Whose hand is the soul of Muḥammad, if they enter it, it will be cool and safe for them. And whoever does not enter it will be dragged toward it.”⁴⁷

This was clarified before and this is the most authentic *isnād* of this narration. Some have falsely claimed this narration is weak because of Mu‘ādh ibn Hishām al-Dastuwā‘ī which are false claims, this narration is *Ṣaḥīḥ*: Mu‘ādh ibn Hishām al-Dastuwā‘ī is a *thiqah*, there is no *jarḥ* of him that is *mufassar* or even any *jarḥ* is not *mufassar* that discards a narrator. Al-Ḥumaydī called him a *qadarī* which is not a *jarḥ*. Yaḥyā ibn Ma‘īn described him with, “*Laysa bi Ḥujjah*,” and, “*Laysa bi Dhāk*,” and, “*Laysa Thiqah*,” these are not *mufassarah* and what clarifies that ibn Ma‘īn only described him with this because of his beliefs, not for his narrations is that ibn Ma‘īn said about Yūnus ibn Khabāb, “He used to insult the companions of the Prophet ﷺ and anyone who insults the companions of the Prophet ﷺ is not *thiqah*.”⁴⁸

And what remains his is Yaḥyā’s *tawthīq* of Mu‘ādh ibn Hishām and his invalid *taḍ‘īf*, so his narration must be taken. It also does not harm Qatādah being a *mudallis*, all narrations of the *mudallis* are accepted except the narrations in which there is certainty they made *tadlīs* in, as long as there is no such certainty it must be taken.

And this narration is not about those that did not die upon shirk, it is about those who did die upon *shirk* and in that case never heard of Islām before. Because the one that dies upon *tawḥīd* is not punished in any case, as mentioned before.

The Prophet ﷺ said, “By Him in whose hand is the soul of Muḥammad, no one from this ummah, whether Jew or Christian, hears of me

⁴⁷ Musnad Ahmad 16302, 26/230 | Musnad by al-Bazzār 9597, 17/70 | Ṣaḥīḥ Ibn Ḥibbān 7357 | Musnad Ishāq ibn Rahūyah 41, 1/112

⁴⁸ Su‘ālāt ibn al-Junayd pg. 406, 485

and then dies without believing in what I was sent with, except that he will be among the people of the Fire.”⁴⁹

Ibn Ḥazm said about this *Ḥadīth*, “The Prophet ﷺ only made *īmān* in him obligatory upon those who heard of his matter. So, anyone in the farthest reaches of the south, north, east, the islands of the seas, west, or the remote corners of the earth among the people of shirk, then hears mention of him, is obligated to inquire about his state, be informed about him, and *īmān* in him.

As for those to whom his mention has not reached, if they are *muwaḥḥid*, they are *mu‘min* upon the *fiṭrah* with valid *īmān*, and there is no punishment upon them in the Hereafter, they are among the people of Paradise.

But, if they are not *muwaḥḥid*, they fall under the category mentioned in the text stating that on the Day of Judgment, a fire will be lit for them, and they will be ordered to enter it: whoever enters it will be saved, and whoever refuses will perish. Allah said: ‘And We were not to punish until We had sent a messenger.’ [Al-Isrā’: 15].”⁵⁰

⁴⁹ Ṣaḥīḥ Muslim 153

⁵⁰ Al-Iḥkām Fī Uṣūl al-Aḥkām 3/185

Section Four: Excuses of Ignorance for Very Well-Known Matters

As for excuses of ignorance for very well-known matters: there is never certainty of the *hujjah* being established on the one falling into them

‘Adī made *ta‘wīl* of the white thread which is mentioned in the Qur’ān regarding fasting (*fajr*) as being an actual white rope, while the Prophet ﷺ was still alive and he corrected his mistake⁵¹.

And Ibn al-Musayyib narrated: They mentioned *zinā* in Shām, and a man said: “I committed *zinā*.” It was asked: “What do you say?” He replied: “Did Allah make it prohibited?” He said: “I do not know that Allah has prohibited it.” A letter was sent to ‘Umar ibn al-Khattāb, and he replied: “If he knew that Allah has prohibited it, then punish him. If he did not know, then teach him. And if he returns to it, apply the *ḥadd* on him.”⁵²

Yahyā ibn Ḥatīb, from his father, narrated: “A female slave of his, named Markūsh, committed adultery. She came to confess the act of zina. ‘Umar inquired about her from ‘Alī and ‘Abd al-Raḥmān ibn ‘Awf, and they both said: ‘She should be punished.’ ‘Umar then asked ‘Uthmān about her, and he replied: ‘I think she confesses it as though she does not know, and the punishment is upon one who knows [the prohibition of zina].’ ‘Umar agreed with this view and had her punished, but he did not stone her.”⁵³

Ḥarqūs narrated: “A woman came to ‘Alī and said: ‘My husband committed adultery with my maid.’ He replied: ‘She is truthful, and there is

⁵¹ Ṣaḥīḥ al-Bukhārī 4509

⁵² Al-Muṣannaf by ‘Abd al-Razzāq 13643, 7/402

⁵³ Al-Muṣannaf by ‘Abd al-Razzāq 13647, 7/404

no solution for her for me.’ He then said: ‘Go and do not do it again,’ as it seems he was absolved from it due to ignorance.’”⁵⁴

Ibn ‘Abbās narrated, “Qudāmah ibn Maz‘ūn drank *khamr* in Baḥrayn. Testimony was given against him, and when he was questioned, he admitted that he had consumed it. ‘Umar ibn al-Khaṭṭāb asked him: ‘What led you to do that?’ He replied: ‘Because Allāh says: ‘There is no sin upon those who believe and do righteous deeds for what they consumed, so long as they are mindful of Allāh, believe, and do righteous deeds...’ (Al-Mā’idah: 93). And I am among them, I am from the early *Muhājirīn*, and from the people of Badr and Uḥud.’”⁵⁵

So Qudāmah ibn Maz‘ūn may Allāh be pleased with him made a *ta‘wīl* of something that is very well-known and while that’s the case he was excused.

⁵⁴ Al-Muṣannaf by ‘Abd al-Razzāq 13648 7/405

⁵⁵ Sunan al-Kubrā 5269, 5270

Section Five: Complete Ignorance

As for excuses for complete ignorance of a case

Abū Usayd narrated, “We went out with the Prophet ﷺ until we reached a garden called al-Shawṭ. When we arrived at two walls, we sat between them, and the Prophet ﷺ said, ‘Sit here,’ and then he went inside (the garden). A woman from Banū Jawn, known as al-Jawniyyah, had been brought and lodged in a house among the date palms, in the home of Umaymah bint al-Nu‘mān ibn Sharāḥīl, and her wet nurse was with her. When the Prophet ﷺ entered upon her, he said, ‘Offer yourself to me (in marriage).’ She replied, ‘Does a queen give herself in marriage to an ordinary man?’ The Prophet ﷺ then extended his hand toward her to calm her, but she said, ‘I seek refuge with Allāh from you.’ He said, ‘You have sought refuge with One Who grants refuge.’ Then the Prophet ﷺ came out to us and said, ‘O Abū Usayd! Give her two white garments and send her back to her family.’”⁵⁶

So as you can see she was excused for not knowing it was the Prophet ﷺ.

Anas ibn Mālīk narrated that Allāh’s Messenger ﷺ said: “Allāh is more pleased with the repentance of His servant when he turns to Him in repentance than one of you would be if he were traveling in a barren desert with his riding animal carrying his food and drink, and then it escapes from him. Losing all hope of recovering it, he goes to a tree, lies down in its shade, and despairs over his mount. Then suddenly, he finds it standing before him. He seizes its reins and, overwhelmed with joy, exclaims: ‘O Allāh, You are my servant, and I am Your Lord!’ He makes this mistake out of extreme delight.”⁵⁷

⁵⁶ Ṣaḥīḥ al-Bukhārī 5255

⁵⁷ Ṣaḥīḥ Muslim 2747

So it is possible for someone to say something wrong without intending it on purpose and in that case he is not held accountable for what he said at all, no matter what it is

Section Six: *‘Aqīdah*-specific excuses

As for *‘Aqīdah*-specific excuses, they are excused in the exact same manner without any difference, there is never any text that rules a difference between this and other issues.

The most evident indication about excuses for ignorance in *‘Aqīdah* as mentioned before, is that if there would be no excuse in any of them, then the Prophet ﷺ would never accept the Islām of anyone except after making them acknowledge those meanings, but he ﷺ never did anything like that, no one with the least amount of knowledge of the Sunnah doubts a second declaring the one who claims the Prophet ﷺ made this a condition for the validity of *īmān* a liar.

And as mentioned as well, before what indicates excuses for ignorance in this is the statement of Allāh, when He said: ‘When the disciples said, ‘O Jesus, son of Mary, can your Lord send down to us a table spread with food from the heaven?’ He said, ‘Fear Allāh, if you are indeed believers.’ They said, ‘We want to eat from it, so that our hearts are at rest and we know that you have indeed told us the truth and we are witnesses to it.’ (Al-Mā’idah: 112).

These disciples, whom Allāh praised, said in ignorance to ‘Īsā, ‘Can your Lord send down to us a table from the sky?’ And this did not invalidate their *īmān*. This is something that has no escape from it; they would have disbelieved if they had said that after the *ḥujjah* had been established for them and had been made aware of it.

And ‘Abdullāh ibn Mas‘ūd narrated, “The Messenger of Allāh ﷺ said, ‘I surely know the last of the people of the Fire to come out of it: a man who will crawl out of it. It will be said to him: ‘Go and enter Paradise.’ So he will go to enter Paradise, but he will find that the people have already taken their places. It will be said to him: ‘Do you remember the time when you were in the Fire?’ He will say: ‘Yes.’ Then it will be said to him: ‘Wish for

something.’ So he will make a wish, and it will be said to him: ‘For you is what you wished for and ten times the like of this world.’ He will say, ‘Are You mocking me while You are the King?’ I saw the Messenger of Allāh ﷺ laugh until his molar teeth were visible.”⁵⁸

So the person did not know that Allāh can do as He ﷻ wills, and he is not held accountable for what he did not know.

And it is authentically narrated that the Prophet ﷺ said, ‘A man who had excessively wronged himself, when death approached him, he said to his sons: ‘When I die, burn me, then crush me, and scatter my ashes in the wind. By Allāh, if my Lord has power over me, He will punish me with a torment unlike any He has inflicted upon anyone.’ So when he died, they did as he had instructed. Then Allāh ordered the earth: ‘Gather what you hold of him.’ It did so, and there he was—standing before Him. Allāh asked, ‘What made you do what you did?’ He replied, ‘O my Lord, it was Your fear.’ So Allāh forgave him.’⁵⁹

I clarified this authentic narration entirely before in my footnotes when I quoted ibn Ḥazm, may Allāh have mercy on him.

And also the denial of *Qadar* emerged during the time of the Ṣaḥābah time, yet most of the Ṣaḥābah did not declare those who denied it to be *kuffār*.

And do you not see that ‘Umar ibn al-Khaṭṭāb, ‘Imrān ibn Ḥuṣayn, and a group of the companions asked the Messenger of Allāh ﷺ about *Qadar*? It is known that they only asked about it because they were unaware of it. And it is not permissible, according to any Muslim, to say that by inquiring knowledge about it which they did not have they became disbelievers.

‘Imrān ibn Ḥuṣayn said: “Then, some people from Yemen entered, and he said to them, ‘O people of Yemen! Accept the good news, as Banū Tamīm have refused it.’ They responded, ‘We accept it, for we have come to you to gain understanding of the religion and to ask you about the beginning of this matter (the creation of the universe).’ The Prophet ﷺ said, ‘There was Allāh, and nothing existed before Him. His Throne was over the water, then He created the heavens and the earth, and He wrote everything in the Book (al-Lawḥ al-Maḥfūz).’”⁶⁰

⁵⁸ Ṣaḥīḥ Muslim 309, 186, 1/119

⁵⁹ Ṣaḥīḥ al-Bukhārī 3481

⁶⁰ Ṣaḥīḥ al-Bukhārī 7418

And ‘Alī narrated, “While we were attending a funeral procession in Baqī‘ al-Gharqad, the Messenger of Allāh ﷺ came and sat down, and we sat around him. He had a small stick in his hand, and he lowered his head and began scraping the ground with it. Then he said, ‘There is no one among you, nor any living soul, except that their place is already written for them, either in Paradise or in the Hellfire, and it has also been decreed whether they will be happy or miserable (in the Hereafter).’ A man asked, ‘O Messenger of Allāh! Should we not then rely on what has been written for us and abandon striving (in good deeds)? For whoever among us is destined for happiness will ultimately join the people of happiness, and whoever is destined for misery will do the deeds characteristic of the people of misery.’ The Prophet ﷺ replied, ‘The people of happiness will find it easy and facilitated for them to do the deeds of those destined for happiness, while the people of misery will find it easy to do the deeds of those destined for misery.’ Then he recited: ‘As for him who gives (in charity) and fears Allāh and believes in the best reward (from Allāh)...’ (Sūrat al-Layl: 5-6).”⁶¹

So as you can see the Qur‘ān and authentic Sunnah are filled with excuses in all aspects of the religion, those who have negated excuses as Allāh willed to in his religion have only done so because of crawling towards their forefathers

⁶¹ Ṣaḥīḥ al-Bukhārī 4948

Section Seven: Excuses in General

As for other narrations indicating excuses in general:

Ḥudhayfah ibn al-Yamān narrated, “The Messenger of Allāh ﷺ said, “Islām will fade away just as the embroidery on a garment fades, until people will no longer know what fasting, prayer, pilgrimage rites, or charity are. The Book of Allāh will be taken away in a single night, and not a single verse of it will remain on earth. A group of people will remain, elderly men and women, who will say: ‘We saw our forefathers upon this statement: Lā ilāha illa Allāh, so we say it as well.’ Ṣilah said to him: ‘What benefit will saying ‘Lā ilāha illa Allāh’ bring them when they do not know what prayer, fasting, pilgrimage rites, or charity are?’ Ḥudhayfah turned away from him. He repeated his question three times, and each time Ḥudhayfah turned away from him. Finally, on the third time, he turned to him and said: ‘O Ṣilah! It will save them from the Fire.’ He repeated this three times.”⁶²

And what ibn Mas‘ūd narrated, “The Messenger of Allāh ﷺ said, ‘There is no one who loves excuses more than Allāh; for that reason, He revealed the Book and sent the Messengers.’”⁶³

So if excuses did not exist there would be no value in anything from the Messengers as none of it would be needed. This is instead burdening the impossible, and against the clear texts.

⁶² Sunan ibn Mājah 4049

⁶³ Ṣaḥīḥ al-Bukhārī 7416 | Ṣaḥīḥ Muslim 2760

Section Eight: Implications

As for narrations indicating that what merely could be implied by a saying or action is not what obliges the ruling of the thing that could be implied

Abū Wāqīd al-Laythī narrated, “When the Messenger of Allāh ﷺ set out for Khaybar, he passed by a tree that the idolaters used to call *Dhāt Anwāt*, upon which they would hang their weapons. The Companions said: ‘O Messenger of Allāh! Make for us a *Dhāt Anwāt* just as they have a *Dhāt Anwāt*.’ The Prophet ﷺ said: ‘Subhān Allāh! This is like what the people of Mūsā said: ‘Make for us a god just as they have gods.’ By the One in Whose Hand is my soul! You will certainly follow the ways of those who came before you.’”⁶⁴

This is a clear *hujjah* that the thing that can be implied from a saying of someone is not ruled on the one saying of someone who did not explicitly say what could be implied. As you can see the Prophet ﷺ did not rule them with *kufr* merely because it could be possible that their saying could imply using them for *‘ibādah* while they did not intend that, so it is established that what a saying could merely imply without having one certain possibility is not ruled with *kufr*.

Thābit al-Banānī narrated, “Anas ibn Mālik who said: ‘‘Umar ibn al-Khaṭṭāb saw me while I was praying near a grave, and he began saying: ‘The grave!’ He (Anas) said: ‘I thought he was saying: ‘The moon! So, I started raising my head toward the sky and looking.’ Then he (‘Umar) said: ‘I am saying: ‘The grave!’ Do not pray towards it.’”⁶⁵

So merely praying towards a grave does not imply making *‘ibādah* to them.

⁶⁴ Sunan al-Tirmidhī 2180

⁶⁵ Al-Muṣannaf by ‘Abd al-Razzāq 1581, 1/404

And Jubayr ibn Hishām narrated about Ibn ‘Abbās who said: “If Fir‘awn were to say to me, ‘May Allāh bless you,’ I would reply, ‘And you as well,’ even though Fir‘awn has died.””⁶⁶

So what could be implied by the saying of someone is not what they have meant by their saying.

⁶⁶ Al-Adab al-Mufrad of al-Bukhārī: 1113

Section Nine: Excuses in *Fatawā*

As for excuses for mistakes in *fatawā*:

the *fatwā* of Abū al-Sanābil to Subay‘ah al-Aslamīyah that she must wait the longer of the two waiting periods while she already gave birth after her husbands death, and this is what the Prophet ﷺ rejected, declaring his *fatwā* invalid⁶⁷.

Another example is when some Companions issued a ruling during the Prophet ﷺ’s lifetime that a non-married adulterer must be stoned to death, until the father of the accused ransomed him with one hundred sheep and a servant girl. The Prophet ﷺ annulled that settlement and rejected it⁶⁸.

The Prophet ﷺ also mentioned the seventy thousand from his Ummah who would enter Paradise with faces as bright as the full moon. One of the Companions said, “They are those who were born into Islām,” and the Prophet ﷺ corrected him, stating that his statement was false.

When the Prophet ﷺ overslept and missed the dawn prayer, some Companions asked, “What is the expiation for what we did?” Then the Prophet ﷺ rejected their saying⁶⁹.

And when Ṭalhah, in the presence of ‘Umar, wanted to sell gold for silver on credit. ‘Umar rejected this, saying that the Prophet ﷺ had forbidden it⁷⁰.

Bilāl also traded two ṣā‘’s amount of dates for one ṣā‘, and the Prophet ﷺ annulled the transaction, and told him that this is the essence of *ribā* (usury)⁷¹.

⁶⁷ Ma‘rifah al-Sunan Wal-Āthār 15283

⁶⁸ Al-Muṣannaf by ‘Abd al-Razzaq 13310, 7/311

⁶⁹ Ṣaḥīḥ Muslim 681 | Sunan Abī Dāwūd 441 | Sunan al-Tirmidhī 177

⁷⁰ Ṣaḥīḥ Muslim 1586, 5/43

⁷¹ Musnad Abī Ya‘lā 5710, 10/72

And some of the Companions sold Barīrah, stipulating that the allegiance (*walā`*) would remain with them, and the Prophet ﷺ rejected that and reprimanded them⁷².

And `Umar once told the people of the migration to Abyssinia, “We are more deserving of the Messenger of Allāh ﷺ than you,” then the Prophet ﷺ declared it false⁷³.

And Jābir narrated that they used to sell the *ummuhāt al-awlād* (female slaves who bore children for their masters) while the Prophet ﷺ was still alive⁷⁴.

Abū Sa`īd informed that they used to pay *zakāt al-fīṭr* during the Prophet ﷺ’s lifetime in curd and raisins, but the Prophet ﷺ only obliged dates and barley⁷⁵.

And Samurah ibn Jundub would order the women to repeat their prayers of their menstrual periods⁷⁶.

And some of the Companions, in the Prophet ﷺ’s presence, would argue about *ghusl*. Some would say, “I perform *ghusl* in such and such manner.” The Prophet ﷺ rejected that and said, “As for me, I pour water over my head (multiple times) during *ghusl* (ritual bath) for *janābah* (major ritual impurity).”⁷⁷

And `Alī used to perform *ghusl* due to pre-seminal fluid while the Prophet ﷺ was still alive, and the Prophet ﷺ rejected this⁷⁸.

And Usayd and others said that when the sword of Abū `Āmir al-Ash`arī turned against him, his *jihād* became null, and they said the same about `Āmir ibn al-Akwa`. The Prophet ﷺ denied this⁷⁹.

And `Umar gave a *fatwā* to someone in a state of major impurity while traveling that he must not pray with *tayammum* for a month, but leave the prayer until he finds water⁸⁰.

⁷² Ṣaḥīḥ al-Bukhārī 456

⁷³ Ṣaḥīḥ al-Bukhārī 4230, 4231, 4232

⁷⁴ Sunan al-Kubrā by al-Nasā`ī 5040, 3/199 | Sunan Abī Dāwūd 3954

⁷⁵ Ṣaḥīḥ al-Bukhārī 1506

⁷⁶ Al-Awsaṭ by ibn al-Mundhir 2/202-203

⁷⁷ Ṣaḥīḥ al-Bukhārī 254 | Sunan Abī Dāwūd 239 | Sunan al-Nasā`ī 250

⁷⁸ Sunan Abī Dāwūd 206 | Ṣaḥīḥ ibn Ḥibbān 1107

⁷⁹ Ṣaḥīḥ ibn Ḥibbān 3271, 4/196

⁸⁰ Ṣaḥīḥ ibn Ḥibbān 1306

And ‘Umar told the Prophet ﷺ to pass the cup to Abū Bakr, who was on the Prophet ﷺ’s left, but the Prophet ﷺ refused and said that the correct action is to pass it to the person on the right, then the next on the right, and the one on his right was a Bedouin⁸¹.

And ‘Ammār rolled in the dirt as a beast rolls in it (for *tayammum*), and the Prophet ﷺ rejected this⁸².

And the Prophet ﷺ also rejected ‘Umar when he called out to him after the Prophet ﷺ delayed the ‘Ishā’ prayer, saying, “It was not proper for you to call out to the Messenger of Allāh.”⁸³

And Usāmah killed a man after he said, “There is no god but Allāh,” and Usāmah said, “O Messenger of Allāh, he only said it to seek protection.” The Prophet ﷺ replied, “Did you open his heart?” And the Prophet ﷺ rejected the killing and declared the *ta’wīl* of Usāmah as false. Usāmah then said, “I wish I had not embraced Islām until that day.”⁸⁴

And Khālīd said, “Perhaps a person prays with his tongue what is not in his heart,” and the Prophet ﷺ rejected this and disapproved of what Khālīd did with Banū Judhaymah⁸⁵.

And Some companions abstained from things from the actions of the Prophet ﷺ, and the Prophet ﷺ rejected this and became angry about it⁸⁶.

And ‘Umar thought he was wrong when he kissed (his wife) while fasting, but the Prophet ﷺ corrected his understanding and informed him that there was nothing wrong with it⁸⁷.

And an Anṣārī man made *ta’wīl* of the Prophet ﷺ kissing while fasting and beginning the day in a state of major impurity while fasting as it being specific ruling for the Prophet ﷺ, but the Prophet ﷺ corrected his false *ta’wīl* and became angry about it⁸⁸.

⁸¹ Ṣaḥīḥ al-Bukhārī 2352, 5612

⁸² Sunan Abī Dāwūd 322-327

⁸³ Ṣaḥīḥ ibn Hibbān 5628, 6/462

⁸⁴ Ṣaḥīḥ al-Bukhārī 4269, 6872

⁸⁵ Ṣaḥīḥ al-Bukhārī 4351 | Ṣaḥīḥ Muslim 1064

⁸⁶ Ṣaḥīḥ al-Bukhārī 6101

⁸⁷ Sunan Abī Dāwūd 2385

⁸⁸ Muwaṭṭa‘ Mālik 13, 1/291

And ‘Adī made *ta‘wīl* of the white thread which is mentioned in the Qur’ān regarding fasting (*fajr*) as being an actual white rope, while the Prophet ﷺ was still alive and he corrected his mistake⁸⁹.

the knowledge of *tayammum* (dry ablution) was with ‘Ammār and others, but ‘Umar and ibn Mas‘ūd were unaware of it and said that one in a state of major impurity should not perform *tayammum* even if he does not find water for two months⁹⁰.

The ruling on wiping over socks was with ‘Alī and Hudhayfa, may Allāh be pleased with them, but ‘Ā’ishah, Ibn ‘Umar, and Abū Huraira were unaware of it⁹¹.

The ruling on the inheritance of a granddaughter with a daughter was with ibn Mas‘ūd, but Abū Mūsā was unaware of it⁹².

The ruling on seeking permission to enter was with Abū Mūsā and Abu Sa‘īd, but ‘Umar was unaware of it⁹³.

The ruling allowing a menstruating woman to leave before performing the circumambulation of farewell was with ibn ‘Abbās and Umm Sulaym, but ‘Umar and Zayd ibn Thābit were unaware of it⁹⁴.

The ruling on the prohibition of temporary marriage (*mut’ah*) and consuming domestic donkeys was with ‘Alī and others, but ibn ‘Abbās did not know the ruling of them⁹⁵.

The ruling on currency exchange was with ‘Umar and Abū Sa‘īd and others, but Talḥa, ibn ‘Abbās, and Ibn ‘Umar were unaware of it⁹⁶.

The ruling on expelling the People of the Book from the Arabian Peninsula was with ibn ‘Abbās and ‘Umar, but ‘Umar forgot it for years until he was reminded and then expelled them⁹⁷.

⁸⁹ Ṣaḥīḥ al-Bukhārī 4509

⁹⁰ Ṣaḥīḥ al-Bukhārī 347 | Ma‘rifah Al-Sunan Wal-Āthār 1629

⁹¹ Ṣaḥīḥ Muslim 276

⁹² Ṣaḥīḥ al-Bukhārī 6736 | Musnad Aḥmad 4420, 4073

⁹³ Ṣaḥīḥ Muslim 2153

⁹⁴ Ṣaḥīḥ al-Bukhārī 329, 1760 1761

⁹⁵ Al-Muṣannaf by ibn Abī Shaybah 17065 3/551 | 24327, 5/121

⁹⁶ Muwaṭṭa‘ Mālik 2549, 2/338

⁹⁷ Ṣaḥīḥ al-Bukhārī 2730

The knowledge of *kalālah* was known by some of them but ‘Umar did not know it⁹⁸.

The knowledge of the inheritance of the grandfather was with Ma‘qil ibn Yasār, but ‘Umar was unaware of it⁹⁹.

The ruling of the grandmother was with Al-Mughīrah, Muḥammad ibn Muslimah but it was unknown by Abū Bakr and ‘Umar¹⁰⁰.

And the ruling of taking *jizyah* from the magians and not to enter the land with a plague was with ‘Abd al-Raḥmān ibn ‘Awf, but it was not known by ‘Umar, Abū ‘Ubayd and the majority of the companions¹⁰¹.

وَصَلَّى اللّٰهُ عَلَى مُحَمَّدٍ وَآلِهِ وَصَحْبِهِ وَسَلَّمَ

⁹⁸ Ṣaḥīḥ Muslim 1617

⁹⁹ Al-Mustadrak by al-Ḥākim 8218 9/86

¹⁰⁰ Muwaṭṭa‘ Mālik 3038, 2/530

¹⁰¹ Sunan al-Tirmidhī 1587